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GEOTEK COMMUNICATIONS, INC.

EX PARTE OR LATE FILED

April 14, 1997

William F. Caton, Secretary
Federal Communications Commission
1919 M Street N.W., Room 222
Washington, DC 20554

RE: Geotek Communications Services, Inc.:
***Ex Parte* Presentation in CC Docket No. 94-102**

Dear Mr. Caton:

This presentation is being made as a follow-up to an *ex parte* meeting with the Chief and Deputy Chief of the Policy Division of the Wireless Telecommunications Bureau on March 18, 1997. (An *ex parte* notice was duly filed.)

Geotek Communications, Inc. ("Geotek") is a 900 MHz SMR licensee that would be affected by the Commission's enhanced 911 emergency calling system's rules adopted in the above-referenced proceeding. Under the Commission's current regulations, Geotek would qualify as a "covered SMR" licensee and be subject to the requirements in § 20.18(a)-(f) of the Rules because it has geographic area licenses obtained in the 900 MHz sections and provides, albeit on a limited basis, interconnected service. Geotek provides traditional commercial group dispatch operations (with limited interconnect ability) and does not offer consumer-oriented services designed to compete with traditional cellular service.

Application of the current wireless E911 rules, which impose obligations on affected CMRS providers as of October 1, 1997, to Geotek would not serve the public interest or satisfy the intention of the Commission in its Report and Order in Docket No. 95-102. However, recognizing the Commission's valid concerns with regard to E911 availability to

102 Chestnut Ridge Road, Montvale, New Jersey 07645
Tel. (201) 930-9305, Fax (201) 930-1332
http://www.geotek.com

operators of mobile telephones and radios, Geotek proposes an alternative for CMRS licensees operating in a group dispatch-style configuration.[1]

In its Report and Order, the FCC imposed E911 obligations on all cellular and broadband PCS licensees as well as a subset of SMR providers. Specifically, the E911 requirements as they currently stand were intended to apply to the SMR providers offering real-time, two-way interconnected voice service that "may have significant potential to offer near-term direct competition to cellular and broadband PCS carriers." Report and Order, ¶ 81. However, despite the FCC stated objective, the rules apply to *all* interconnected SMR providers operating pursuant to geographic area or wide-area authorizations regardless of whether they have the potential to compete with traditional mass-market cellular and broadband PCS operations.

While Geotek and other interconnected providers of dispatch service may technically meet the current letter of the definition for "covered SMR," including them within the realm of carriers subject to the E911 requirements does not further the Commission's objective of obligating carriers that offer significant actual or potential competition to typical cellular or broad-band PCS operations. To the contrary, Geotek's dispatch-style configuration, and indeed any carrier providing traditional dispatch services, with interconnect as an ancillary feature, should not have the current E911 rules applied to them. Indeed, as detailed below, application of those rules to such entities may be counterproductive and lead to results adverse to the Commission's intentions.

In a dispatch-style operation, mobile units in a fleet always have connectivity to the dispatcher, but they do not always have interconnect capability to access the public switched telephone network. Geotek's systems are typically used by commercial entities that come to Geotek for one-to-many dispatch. Interconnect capability, as explained above, is ancillary and often limited. Most transmissions by a customer's mobile units take place between the dispatchers and the mobiles or between work groups of employees. The large majority of communications are on a push-to-talk basis on a channel common to all the mobile units. Thus, a Geotek customer not infrequently specifically requests that interconnect capability be limited to certain management individuals or owners. In other cases, the customer may request that certain mobile units be rendered incapable of interconnecting with the switched network. In Geotek's experience, business owners and customers of its dispatch services prefer substantial flexibility in this regard. Because of this flexibility, and the various

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[1] Geotek's proposal is not at odds with the petitions for reconsideration filed by the American Mobile Telecommunications Association or the Personal Communications Industry Association. The Commission may determine to adopt a new definition of "covered SMR," as AMTA and PCIA urge, as well as give affected CMRS carriers the alternative Geotek suggests, provided they are eligible.

options selected by Geotek's customers, Geotek would have difficulty in complying with the E911 Phase I requirement that the service provider (*i.e.*, Geotek) ensure that all mobile units on its "interconnect" system have direct access to appropriate Public Service Answering Points ("PSAPs").

In light of the unsophisticated or extremely limited interconnection capability of systems in dispatch-style configurations, the dispatcher remains, as it has traditionally been, the natural point of contact in an emergency for dispatch-style operations. The dispatcher has far better information regarding a mobile unit's exact location and, thus, would be better able to contact the PSAP nearest to the mobile unit in an emergency.[2] The principal reason for this is that Geotek, and other licensees providing traditional dispatch operations, typically operate cells with radii as large as twenty-five (25) miles, *i.e.*, areas close to 2,000 square miles. Within such an area, there may be numerous PSAPs. In addition, in some locations, such as the Philadelphia area, the area served by a single cell site might include a multiplicity of jurisdictions, including several across state borders (*e.g.*, Camden and Trenton, NJ, Wilmington, DE). Other similar examples are numerous and include Washington, DC, Newark-New York, Chicago-Gary, and Kansas City. Through the operation of the Commission's Rules, Geotek could technically comply, by routing an E911 call directly to the "main" PSAP within the cell site. However, Geotek would not be able to place the caller's location within the cell and would not be able to discriminate among those many cases in which a different PSAP might be more appropriate.[3] In contrast, the dispatcher, who will far more likely have the capability to place a caller to a more specific location,

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[2] Many dispatchers in the Geotek system have purchased, as an option, Global Positioning System ("GPS") equipment which allows them to pinpoint their fleet vehicles' locations with considerable accuracy, even beyond that which has been adopted by the Commission for Phase II of its wireless E911 requirements. However, even where a customer chooses this option, the information as to position is available only to the dispatcher/customer. Geotek, although it is operating the SMR system, does not have access to such data.

[3] An illustration might help to explain: Consider a plumbing company headquartered in Camden, NJ, that is an SMR customer, for group-dispatch service. The company has requested that certain vehicles in its fleet have interconnect capability. The dispatch operations are served by a cell site centered in Philadelphia. Whenever an E911 call is received, the SMR system will not have any information regarding the location of the vehicle apart from being within the cell site. Accordingly, an E911 call received from a vehicle of the plumbing company in Camden will be automatically routed to a PSAP in Philadelphia, which will be unable to handle the emergency. In contrast, the dispatcher is likely to know that the plumbing company vehicle is in a certain part of Camden or in a neighboring New Jersey town (or even Philadelphia) and can contact the appropriate PSAP for the driver.

would be better able to identify the appropriate PSAP. Furthermore, it is already customary for operators of vehicles using fleet dispatch-style systems to contact their dispatchers in an emergency. In any event, as noted above, there are numerous situations in which the operators of mobile units in a fleet served by a dispatcher have no interconnect capability due to the business decisions of owners and managers: to obtain emergency assistance, they *must* call their dispatcher.

At bottom, therefore, the Commission's objectives would be ill-served by requiring "wooden" application of the E911 rules, as currently structured, to covered SMR and other CMRS providers that are operating dispatch-style systems. In order to better serve the objectives of the Commission and public service agencies, an alternative should be available for CMRS licensees providing dispatch-style operations to their customers which relies upon the more customary practice of mobile operators contacting their dispatcher for emergency assistance. Accordingly, Geotek offers a rule amendment in an attachment to this letter as such an alternative. Briefly, a CMRS licensee offering dispatch-style services must notify its customers that vehicles with interconnected mobiles within the customer's fleet may not have the capability to reach an appropriate PSAP by dialing 911. The CMRS provider shall specify that it is the responsibility of the customer, presumably through its dispatcher, to process requests for emergency assistance from vehicles within the fleet, as well as to make the vehicle operators aware of the need on a regular basis to contact the dispatcher rather than dial 911. Further, the CMRS licensee shall provide the customer with labels to be affixed to the vehicle radios which instruct the operators to contact their dispatcher directly in an emergency.

Geotek submits that this alternative will, for dispatch-style operations, far better serve the objectives of the Commission than the current generally applicable rule. Accordingly, Geotek urges the FCC to adopt this alternative to its current E911 rules, which already appropriately address requirements for most cellular and broadband PCS operations, as well as an extremely limited set of SMR operations, that target a consumer-oriented mass market through high capacity channel reuse and mobile handoff capability.

An original and two copies of this letter are being filed with the Secretary as required by Section 1.1206(a)(1) of the Commission's Rules.

Respectfully submitted,

Michael S. Hirsch

Attachment

cc: John Cimko
Nancy Boocker
Won Kim

GEOTEK COMMUNICATIONS, INC.

Geotek's Proposal for an E911 Alternative
(April 14, 1997)

47 C.F.R. § 20.18. Add new subsection (g) as follows:

(g) As an alternative to the requirements set forth in subsections (b)-(f) of this subsection, those CMRS providers identified in subsection (a) serving customers in a group dispatch-style configuration may meet its E911 obligations as follows:

(1) The licensee or its representative shall notify each customer on its system (as defined by the area of operation under an individual license *e.g.*, authorized radius of operation, MTA) in writing that vehicles within the customer's fleet may not have the capability to reach the proper Public Service Answer Point by dialing 911 as outlined in subsections (b)-(f).

(2) The notice shall specify that it is the responsibility of the customer, through its dispatcher, to receive requests for emergency assistance from vehicles within its fleet and to contact the appropriate Public Service Answer Point with the information required to respond to the emergency.

(3) The notice shall also specify that it is the responsibility of the customer to ensure that each fleet vehicle operator is given written instructions to contact the dispatcher in an emergency and written notification that if the vehicle operator dials 911 (if capable) on the mobile radio, there can be no assurance that an appropriate Public Service Answer Point will be contacted. The notice shall direct the customer to give its vehicle operators such instructions and notification within fifteen (15) days of receiving the initial notice provided for in subsections (1)-(3) from the licensee and at least once each calendar quarter thereafter.

(4) In addition to the written notice provided for in subsections (1)-(3), the licensee or its representative shall provide to the customer labels to be affixed to the vehicle radios, where they will be readily seen by an operator, that state that, in an emergency, the operator of the radio should contact his or her dispatcher, and not attempt to use the radio to dial 911. The licensee shall provide the labels in sufficient quantity for each mobile the customer has loaded onto the licensee's system.

(5) To be eligible for the alternative provided for in this subsection (g), the licensee or its representative shall provide the written notice to the customers and the labels provided for in this subsection [*within sixty*

(60) days after publication of this rule in the Federal Register] and between January 1 and February 1 of each calendar year thereafter. [A copy of the form used to provide notice shall be filed with the FCC and shall clearly indicate the licenses affected by callsign(s) on a cover letter to the Secretary of the Commission.] A licensee may qualify for the alternative in this subsection (g) at any time by providing the written notice and labels provided for in subsections (1)-(4) at any time. A licensee that chooses this alternative after [*60 days after publication of this rule in the Federal Register*], shall be able to meet its obligations under this alternative thirty (30) days after providing written notice (by first-class mail or hand delivery) to each customer on its system.

(6) Once a licensee eligible under this subsection (g) chooses the alternative provided for in this subsection for its system, the licensee or its representative shall provide each new customer the written notice and the labels provided for in subsections (1)-(4) prior to providing service to the customer.

(7) For purposes of this subsection, a "group dispatch-style configuration" is one in which all of the vehicles in a fleet are served principally by a common channel on a push-to-talk basis, on which most communications are between the vehicle operator and a dispatcher or among a group of vehicle operators, and for which interconnected service, to the extent available, is ancillary to traditional one-to-many group dispatch operations.